

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT Application of:

Colin N.B. Cook

Appl. S.N.: 10/792,286

Filing Date: March 4, 2004

Title: **Methods and Apparatus for Synchronizing
Virtual and Physical Mouse Pointers on
Remote KVM Systems**

Confirmation No.: 3146

Attorney Docket: 2540-0707

Group Art Unit: 2175

Examiner: Distefano, Gregory A

Date: July 25, 2011

REPLY BRIEF

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated May 24, 2011, the assignee of record submits this Reply Brief in support of its appeal.

Comments on Response to Argument in Examiner's Answer

"Loosely" Defining Terms of the Claims Is Impermissible

The Examiner's Answer states that "the examiner interprets 'absolute movement' to be *loosely define[d]* as any movement of the cursor which causes the cursor to arrive at an absolute position." (Emphasis added.) As discussed in MPEP 2106.II.C, "USPTO personnel are to give claims their broadest *reasonable* interpretation *in light of the supporting disclosure*. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997)." (Emphasis added.) The Examiner's Answer tries to justify the "loose" interpretation by alleging that "Appellant's best support for 'absolute movement' in [its] original disclosure may be found in the specification ... [in] paragraph [0035], where appellant states 'human interface descriptors (HIDs) are utilized, which can define many different types of devices, some of which support moving a pointer to an absolute position (e.g., move to coordinates x543, y234).'" However, such an assertion attempts to require that one of ordinary skill in the art's interpretation of the

Application of: Colin N.B. Cook
Serial No. 10/792,286
Reply Brief

phrase be from a single paragraph and ignores that relative movement and its problems were already discussed in paragraph [0004]. Paragraph [0004] describes that absolute movement is the opposite of relative movement and states:

remote KVM systems generally employ *relative movements* of the mouse to keep the mouse in sync (e.g., *move 5 pixels left from where you are*). The use of the relative movements is common because real physical mice use relative movements. Since computer operating systems (OS's) are sometimes busy with other tasks, the mouse movement messages may be lost or skipped. Therefore, if a virtual pointer is maintained in a remote KVM system, it may no longer be in sync with the originating system. Both PS/2 and USB mice send these same relative movements messages. Consequently, it is desirable to implement a mouse synchronization system for use with a remote KVM system that can synchronize mouse movements based on an absolute position.

(Emphasis added.) If “absolute movement” were to be interpreted as the Examiner’s Answer is proposing, the synchronization of the mouse pointers would not be achieved, as in the systems having the problem that the invention is seeking to address. Thus, the “loose” interpretation of “absolute movement” is not reasonable in light of the specification.

Furthermore, in the very paragraph that the Examiner’s Answer cites as the “best support” for “absolute movement,” the specification describes one type of input device that does not need to use relative movement and instead would use “absolute movement” -- a PC tablet. Paragraph [0035] states “A PC tablet, for example, would use one of these descriptors supporting the movement of a pointer to an absolute position.” Thus, “absolute movement” should not be interpreted as “loosely” as proposed by the Examiner’s Answer.

Application of: Colin N.B. Cook
Serial No. 10/792,286
Reply Brief

No “Testing for Support of HID’s Using Absolute Movement”

The Examiner’s Answer has clarified its rejection of “testing an operating system of the logical mouse to determine if the operating system of the logical mouse supports the user of USB-based human interface descriptor (HID) using absolute movement of a mouse cursor to an absolute position other than the origin.” The Examiner’s answer states that “this limitation is loosely interpreted as meaning the ‘absolute movement’, as discussed above in Ground No. 1. However, as discussed above, that “loose” interpretation does not comply with the “broadest *reasonable* interpretation standard,” and therefore, if the interpretation of the phrase is unreasonable in the Examiner’s Answer, then the “testing” limitation is also not present.

Conclusion

Accordingly, the rejection of claim 1 should be REVERSED. Furthermore, as claim 1 has been shown to be patentable over the applied reference, it is respectfully submitted that claims 2, 3 and 12-15 (which depend from claim 1 either directly or indirectly) are patentable over the applied references for at least the reasons set forth above with respect to claim 1.

CUSTOMER NUMBER

42624

Respectfully submitted,

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